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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,334	12/12/2003	Anders P. Lundh	4015-5168	3788
24112	7590	12/21/2005	EXAMINER	
COATS & BENNETT, PLLC			TRAN, CONGVAN	
P O BOX 5			ART UNIT	
RALEIGH, NC 27602			PAPER NUMBER	
			2688	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,334	<b>Applicant(s)</b> LUNDH ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is response to communication filed on Oct. 31, 2005.
2. Applicant elects group I (claims 1-14) with traverse.
3. Claims 15-19 have been canceled.

***Election/Restrictions***

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14, drawn to a method of maintaining neighbor list, classified in class 455, subclass 437-439.
  - II. Claims 15-17, drawn to a radio communication system, classified in class 455, subclass 403.
  - III. Claim 18, drawn to a base station controller, classified in class 455, subclass 456.5.
  - IV. Claim 19, drawn to a program control, classified in class 455, subclass 418.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, II, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as method of maintaining neighbor list, invention II has separate utility such as a radio communication system, invention III has separate utility such as a base station controller, invention I has separate utility such as a program control. See MPEP § 806.05(d).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper and This statement is **FINAL**.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Horwath et al. (6,917,809).

Regarding claims 1, 6, and 8, Horwath discloses a method for automatically sorting the neighbor list of a cell in a communication system, comprising: maintaining a separate neighbor list for each of a plurality of cells, said neighbor lists indicating neighbor cells and corresponding control channels (see fig.9 and its description); maintaining a central link-list database identifying, for each of said plurality of cells, neighbor cells and corresponding control channels (see figs.2a-b, steps 202-206 and its description); receiving a neighbor modification command (see figs.2a-b, steps 210, fig.3, elements 302, 304 and its description); automatically identifying which of said neighbor lists should be modified as affected neighbor lists based on said central link-list

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database in response to said command (see figs.2a-b, steps 210, fig.3, elements 302, 304 col.3-4, and its description); automatically modifying a plurality of said affected neighbor lists in response to said command (see figs.2a-b, steps 210, fig.3, elements 302, 304 col.3-4, and its description); and modifying said central link-list database in response to said command (see figs.2a-b, steps 210, fig.3, elements 302, 304 col.3-5, and its description).

Regarding claims 2-3, 4-5, Horwath further discloses automatically modifying a plurality of said affected neighbor lists in response to said command comprises automatically deleting at least one control channel from each said affected neighbor list (see figs.2a-b, steps 210, fig.3, elements 302, 304, col.7, lines 37-53 and its description).

Regarding claims 9-11, 12-14, Horwath discloses a method for automatically sorting the neighbor list of a cell in a communication system, comprising: receiving a delete neighbor command identifying a first cell (see figs.2a-b, steps 210, fig.3, elements 302, 304, col.7, lines 37-53 and its description); automatically identifying a plurality of neighbor lists that should be modified in response to said command (see figs.2a-b, steps 210, fig.3, elements 302, 304 col.3-4, and its description); and automatically deleting at least a neighbor relation to said first cell and at least one control channel identifier from a plurality of said identified neighbor lists in response to said command (see figs.2a-b, steps 210, fig.3, elements 302, 304, col.3-5, col.7, lines 37-53 and its description).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2688

Dec. 18, 2005.